

THE HON'BLE SRI JUSTICE V.ESWARAIAH

-

WRIT PETITION No.162 of 2006

-

Dated: 04-01-2006

-

Between:

Gaddam Pochaiah

... Petitioner

a n d

1. Executive Officer, Secunderabad Cantonment Board, Secunderabad and others.

...Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

-

WRIT PETITION No.162 of 2006

-

ORDER:

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the first respondent.

2. The petitioner submits that his father, late Balaiah, was an Inamdar of the land in

Sy.No.237 admeasuring Acs.1-11 guntas at Thokkata Village, Trimulghery Mandal, Secunderabad Cantonment, and after the death of his father he came into the possession of the said property on 01-11-1973. It is stated that the petitioner filed a petition for grant of occupancy rights certificate before the Revenue Divisional Officer, Secunderabad Division – 3rd respondent. It is further stated that the petition filed by him on 07-10-1997 was taken on record and it was adjourned from time to time for hearing of the affected parties. It is stated that the Notice in Case No.B/6391/1997 dated

09-03-2001 issued by the 3rd respondent goes to show that the Mandal Revenue Officer, Tirumalgiri – 4th respondent was requested not to allow any constructions over the disputed land in question until disposal of the appeal. It is stated that the appeal is still pending on the file of the 3rd respondent.

3. While so, the 5th respondent and others, who were also claiming title over the said property, obtained a lay out sanctioned from the cantonment area in proceedings vide CBR No.2(11) dated 23-12-1992 under the name and style of Varuna Co-operative Housing Society Ltd. (Regd.No.T.B.A.394) in Sy.No.237, situated at Chinna Thokatta Village, Thirumalgiri Mandal, Bowenpally, Hyderabad District, Secunderabad Cantonment, and proceeded to construct houses. It is stated that the petitioner filed a petition dated 05-05-2005 before the 1st respondent seeking cancellation of the irregular layout sanctioned in favour of the 5th respondent, but the 1st respondent has not disposed of the same.

4. Without expressing any opinion on the merits of the petition as to whether the sanction of layout is irregular, and as the representation of the petitioner is said to be pending on the file of the 1st respondent, I am of the opinion that it is just and proper to direct the 3rd respondent to consider and dispose of the same in accordance with law as expeditiously as possible after giving an opportunity to all the parties concerned.

5. The writ petition is accordingly disposed of.

04-01-2006

cvrk

Note: Office to issue C.C.

by 06-01-2006.

B/O

Cvrk